

July 15, 2010

The Board of Public Works & Safety met at 4:00 p.m. on the above date in the Meeting Room at City Hall Annex with Mayor Tucker presiding and Board member Higgins attending. Board member Fuelling was not present. Others attending were Chief Waters; Supt. Givens; Comm. Maynard; Judy and Dave Whitten; Building Commissioner Sherry Willis; David Givens; and arriving during the meeting, Pam Robinson – Posey County News; Chief Beloit; and Christine Babcock.

Mayor Tucker called the meeting to order by stating members were either mailed or hand carried copies of the minutes of their previous meeting and by asking if there were any corrections or additions. He added if not, he entertains a motion to waive their reading and to approve the minutes as presented. Board member Higgins moved the reading of the minutes be waived and they be approved as presented. Seconded by Mayor Tucker, who then asked if there was any discussion ?

There was none.

Mayor Tucker stated all those in favor of the motion should signify in the affirmative; and following the vote, he reported the motion carried unanimously.

Pam Robinson arrived at the meeting.

Mayor Tucker requested action on the claims presented.

Board member Higgins moved the claims presented be allowed for payment. Seconded by Mayor Tucker, who then asked if there was any discussion ?

There was none.

Mayor Tucker stated all those in favor of the motion should signify in the affirmative; and following the vote, he reported the motion carried unanimously.

\*\*\*\*\*CLAIMS\*\*\*\*\*

Mayor Tucker stated they will now hear the reports of the Departments, and as Chief Beloit is not present, they will begin with Chief Waters.

Chief Waters stated he would like to add a procedure to the department's SOP's, and gave the Board the following:

**Participation in scheduled monthly training for the fire department is mandatory. Furthermore, said training is considered a condition of employment and/or membership with the department. Any full time firefighter that is unable to attend a mandatory training session must obtain prior approval for that absence from the Fire Chief or be considered in gross neglect of duty and subject to disciplinary action up to and including termination of employment. Any volunteer firefighter that is unable to attend a mandatory training session must obtain prior approval for that absence from the Fire Chief or be considered ineligible for quarterly volunteer pay. The Fire Chief will determine what constitutes an excused absence. Excused absences include, but are not limited to, death in family, family emergency, personal illness, vacation and (in the case of a volunteer) work or school.**

**I hereby request to be excused from training on this date,\_\_\_\_\_ for this reason, \_\_\_\_\_.**

\_\_\_\_\_ **Print**

\_\_\_\_\_ **Sign**

\_\_\_\_\_ **Date**

**Fire Chief's approval:**

\_\_\_\_\_  
**Roger Waters**

Board member Higgins moved the procedure be approved and added to the SOP. Seconded by Mayor Tucker, who then asked if there was any discussion ?

There was none.

Mayor Tucker stated all those in favor of the motion should signify in the affirmative; and following the vote, he reported the motion carried unanimously.

Chief Waters continued his report by stating the flooring in the Survive Alive Trailer is having some major issues.

Board member Higgins asked if it was water damage ?

Chief Waters replied yes, and it is rotting as well.

Chief Belloat arrived at the meeting.

Chief Waters added he would like to check with some local vendors first to see if it can be fixed here.

Mayor Tucker asked if there were any questions ?

There were none.

Chief Belloat stated he is sorry he is late and he really has no report.

Board member Higgins asked about the next Neighborhood Watch meeting ?

Chief Belloat replied it will be for Council District #2 on July 22 at 7:00 p.m. at Trinity United Church of Christ.

Mayor Tucker asked if there were any questions ?

There were none.

Supt. Givens stated Danny Moss' truck needs an emergency strobe light kit and he did get prices a while back. He added the price is still the same from Toms CB and Car Audio.

Board member Higgins moved Supt. Givens be permitted to purchase the emergency lighting for Mr. Moss' truck. Seconded by Mayor Tucker, who then asked if there were any questions ?

There were none.

Mayor Tucker stated all those in favor of the motion should signify in the affirmative; and following the vote, he reported the motion carried unanimously. He then asked if there were any questions ?

There were none.

Comm. Maynard stated the paving will not begin now until the last week of July, but the price has actually dropped slightly.

Mayor Tucker added that was great news. He then stated Mrs. Willis received a call from Paul Cross who stated the Street Department did an excellent job on the storm sewer work out in front of his house. He just wanted to pass along his appreciation. He then asked if there were any questions ? There were none.

Mayor Tucker asked if there were any Legals for consideration ? Clerk-Treasurer Sitzman replied she has none.

Mayor Tucker asked if anyone in the Audience wished to address the Board ? David Whitten stated he has talked with Chief Beloit about this, but he is very concerned about the safety of the workers on Water Street. The problem with the single one-way lane is getting worse and worse as more and more cars totally ignore the signs and proceed down the street the wrong way. He wondered if they would consider totally blocking off Water Street from Main to Locust and put some barricades up at the alleys ?

Mayor Tucker replied they could do that, but Bernardin Lochmueller, the engineers on the project, have recommended what has been done down there so far. He stated if it continues to be a problem they may need to do something. He added there has also been a new restaurant open up down there and he would hate to hurt their business by totally blocking the street.

Board member Higgins stated they have plenty of parking in the back of their building.

Mrs. Whitten stated from what she can tell the work being done down there now is mainly in the street.

Mayor Tucker added the construction is ahead of schedule and they should be done in about two weeks, but they may still be down there through the end of August.

Mrs. Whitten stated they can always call 911 if they see something happen, as it will probably just be a matter of time.

Board member Higgins stated she is also concerned about the safety down there which is why she brought this same issue up at Monday evening's city council meeting.

Mr. Whitten stated from what he is seeing, it is deliberate defiance.

Christine Babcock arrived at the meeting.

Supt. Givens wondered if they could block it off during working hours then open it back up in the evenings ?

Mrs. Whitten agreed that might help.

Mr. Whitten added it may be a step in the right direction.

Mayor Tucker stated he will contact the city's BLA rep on the project.

Board member Higgins asked that he also contact Mrs. Harris concerning her new restaurant in the area that will also be affected.

Mayor Tucker asked if anyone else in the Audience wished to address the Board ?

Christine Babcock approached the Board table and announced that her contractor will come in on Monday to start the repairs to 114 W. 2<sup>nd</sup> Street and she sent a letter to that effect to the city June 28. She stated as for 211 and 213 Main Street they will be down Monday to tear the back section off and put a wall up.

She then stated 114 W 2<sup>nd</sup> – it needs a new roof and the junk inside will be removed. She added she will have safety equipment in place to prevent incidents of falling bricks, etc. She stated once she can get the building cleaned out, Main Street will be done hopefully. She added some bricks will need to be built up to even out the roof line and when that is finished, they will deal with the inside.

Mrs. Willis asked if she could speak ?

Ms. Babcock replied when she is finished, yes, she can speak. She then stated she has taken pictures of another building that is in much worse shape than hers. She handed the pictures to the Board.

Mrs. Willis stated work can not begin on the buildings next week, as Mrs. Babcock's plans need to be submitted to the State of Indiana for approval before any work begins. She further stated there also needs to be an asbestos inspection done before any work begins and she will need an IDEM permit.

Ms. Babcock stated she did not know that and Mrs. Willis (the Build. Comm.) indicated she would help her.

Mrs. Willis replied when Ms. Babcock was at the May building code hearing on her buildings, she was told she had 30 days to come back with a signed contract for the repairs needed to get the buildings back to code. She further stated at that time she told Ms. Babcock that if she did not, she would do everything in power to get her buildings torn down. She added the city has been working with Ms. Babcock for over two years to get these buildings up to code.

Ms. Babcock stated she did not know she had to submit her plans to the State.

Mrs. Willis replied that Ms. Babcock was told that at the hearing.

Ms. Babcock stated the walls are not unsound.

Mrs. Willis stated yes they are, and that was determined at her hearing by the Code Enforcement Hearing Officer. She added she has the findings from that hearing and she can go get them.

Ms. Babcock stated again that the work will start Monday and added that her buildings look much safer than the building in the picture.

Mayor Tucker added that this Board, the Board of Public Works & Safety, does not get involved in the code hearings – Attorney Higgins is not present – this Board only lets the bids on the demolition. If there is to be a stay of action that would have to go in front of the hearing board.

Mrs. Willis stated the hearing board issued the order of demolition.

Ms. Babcock replied that she sent a letter.....

Mrs. Willis replied her letter was sent much later. She further stated Ms. Babcock could have asked her any questions if she had any, but she did not.

Ms. Babcock stated she has the money to do all of the work all at once now.

Mrs. Willis stated a demolition order has been issued on all of her buildings.

Ms. Babcock stated she has a building permit.

Mrs. Willis replied her plans need to be submitted to the State, approval of which can take two to three weeks.

Mayor Tucker stated the Board is not making a decision today on 211 and 213 Main Street, they are only concerned about 114 W. 2<sup>nd</sup> Street. He added a decision will be made today on accepting that bid.

Ms. Babcock stated if the Board of Works lets that bid, she will go to court.

Board member Higgins stated in reference to 211 and 213 Main Street, those buildings started falling down in March 2006 ! She asked Ms. Babcock why she should be allowed to get away with that ? She added Ms. Babcock bought the buildings, she should have fixed them and then added they have been falling down now for four years and four months.

Mayor Tucker stated she may still have time work with Mrs. Willis and Attorney Higgins on 211 and 213 Main Street, but 114 W. 2<sup>nd</sup> will be let today.

Ms. Babcock stated she has been very busy – been short staffed, had a new hire, etc.

Mayor Tucker stated the demolition bids that were received on 114 W. 2<sup>nd</sup> Street were legal bids and fit all the legal requirements, as reviewed by Mrs. Willis and Attorney Higgins. He added the hearing board met and determined that 114 W. 2<sup>nd</sup> met the criteria to be torn down.

Mrs. Willis added that every time she talks to Ms. Babcock, she indicates she is going to do something and asks that the city be patient with her. She has done nothing. She then stated the whole job needs done, not just putting up pieces of plywood where and there and over windows.

Ms. Babcock replied that is her investment.

Mrs. Willis stated that being the case they should be up to code now or they are coming down.

Ms. Babcock replied she has the money to do it now.

Mayor Tucker stated this Board needs to make a decision on the bids and it appears as Ms. Babcock still needs permits and asbestos inspections.

Mrs. Willis added she also needs to submit her plan and get approval from the State on that plan. She further stated she needs to submit a complete plan on each building – that is a requirement.

Ms. Babcock questioned starting work on Monday ?

Mrs. Willis replied the contractor can not begin unless Ms. Babcock wants fined by the State for not having met all the requirements. She added that also means they can not tear off the back of that building before getting State approval and permits either. She added she is sorry there was a misunderstanding but she believed she and Board were very clear and Ms. Babcock stated she understood before she left the meeting.

Ms. Babcock asked if they are going to let the bid on the demolition ?

Mayor Tucker replied the bids were accepted at the July 1 meeting, they were taken under advisement for review by Mrs. Willis and Attorney Higgins, and they are legal bids. He added Russell Excavating was the only bidder on the demolition of 114 W. 2<sup>nd</sup> Street at \$2,600 with a possible charge of \$150/ton for asbestos removal. He then stated the City Street Department was the only bidder on the hauling off of the debris at \$2,200. Again, he stated, these were the only bids received.

Board member Higgins moved the bids both be accepted as submitted. Seconded by Mayor Tucker, who then asked if there was any discussion ?

There was none.

Mayor Tucker stated all those in favor of the motion should signify in the affirmative; and following the vote, he reported the motion carried unanimously.

Mayor Tucker stated that also takes care of their Old Business and asked if Mr. Givens had any questions or comments ?

Mr. Givens stated he is representing Ms. Babcock and feels that she deserves some consideration, as she is doing the work now.

Mayor Tucker asked if there was any New Business ?

There was none.

Mayor Tucker stated if there was no further business, he entertains a motion to adjourn.

Board member Higgins moved the meeting be adjourned. Seconded by Mayor Tucker, who then stated all those in favor of the motion should signify in the affirmative; and following the vote, he reported the motion carried unanimously and adjourned the meeting.

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John Tucker  
Mayor

ATTEST:

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Cristi L. Sitzman  
Clerk-Treasurer